

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WILLIAM T. WEBSTER,

Plaintiff,

v.

DEPARTMENT OF VETERANS
 AFFAIRS, *et al.*,

Defendant.

2:09-cv-02433-JCM -VCF

O R D E R

Before the court is *pro se* plaintiff William T. Webster's Motion To Request The Court To Order The Defendants To Comply With Document #56. (#68). Defendants filed an Opposition (#68), and plaintiff did not file a Reply.

On September 7, 2011, the court entered a minute order setting the following discovery deadlines: End of Discovery on December 14, 2011, Dispositive Motions due by January 13, 2012, and the Joint Pretrial Order filed by February 13, 2012. (#56). The February 13, 2012, deadline passed, and the parties did not file a Joint Pretrial Order.

In the plaintiff's motion, he asserts that defense counsel emailed plaintiff in November 2011, and stated that the Joint Pretrial Order was due on November 14, 2011. (#68). On November 28, 2011, defense counsel sent another email to plaintiff and stated that the correct deadline for the Joint Pretrial Order was February 13, 2012. (#68 Exhibit B). Plaintiff contends that defense counsel "has prepared all previous joint documents to be submitted to the [c]ourt in this case," but that defense counsel "has not contacted the [p]laintiff in regards to filing the "joint pretrial order" since their email." (#68). Plaintiff asks this court to set a new deadline for the Joint Pretrial Order and to state which party is to prepare the Joint Pretrial Order. *Id.*

In defendants' opposition, they assert that plaintiff is responsible for scheduling, preparing, and

1 submitting the Joint Pretrial Order, and that plaintiff admits that he was aware of the deadline but made
2 no initiative to contact defense counsel regarding the order. (#70). Defendants state that plaintiff
3 offered no explanation for his failure to file the Joint Pretrial Order, and that even though he is
4 representing himself, plaintiff is held to the same standard as all attorneys appearing before this court.
5 *Id.* The defendants also ask this court to set a new deadline for the Joint Pretrial Order, and to advise
6 the plaintiff “that he has the responsibility in scheduling and preparing the [r]eport.” *Id.* Defendants
7 assert that they are willing to prepare the Joint Pretrial Order once the parties have agreed to its contents.
8 *Id.*

9 Pursuant to Local Rule 16-3(c), “[u]pon the initiative of counsel for plaintiff, counsel who will
10 try the case and who are authorized to make binding stipulations shall personally discuss settlement and
11 prepare and lodge with the [c]ourt a proposed joint pretrial order...” The court’s order dated September
12 7, 2011 (#56), scheduled the Joint Pretrial Order to be filed by February 13, 2011. Plaintiff failed to
13 take “the initiative” as required by LR 16-3(c), and admitted that defense counsel was the party who
14 “initiated contact with [p]laintiff” regarding the Joint Pretrial Order. (#68). As a result, the parties have
15 not complied with the court’s order (#56).

16 Since plaintiff is proceedings *pro se*, the court will not impose any sanctions at this time for the
17 failure to comply with the court’s order. See *Haines v. Kerner*, 404 U.S. 519, 520, 92 S.Ct. 584
18 (1972)(holding that *pro se* plaintiffs are held to a less stringent standard than those who are represented
19 by counsel.). However, as the plaintiff has chosen to proceed *pro se*, he is required to familiarize
20 himself with the Federal Rules of Civil Procedure as well as the Local Rules of this court. See *Jacobsen*
21 *v. Filler*, 790 F.2d 1362, 1364-65 (9th Cir. 1986)(holding that *pro se* parties are not excused from
22 following the rules and orders of the court). Future failures to comply with court orders may result in
23 the imposition of sanctions.

24 Accordingly, and for good cause shown,

25 IT IS ORDERED that plaintiff William T. Webster’s Motion To Request The Court To Order
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1 The Defendants To Comply With Document #56 (#68) is GRANTED in part, and DENIED in part.
2 Upon the initiative of plaintiff Webster, the parties shall prepare and file with the court a proposed Joint
3 Pretrial Order by April 13, 2012.

4 DATED this 19th day of March, 2012.



5 **CAM FERENBACH**
6 **UNITED STATES MAGISTRATE JUDGE**